

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1337 of 2005

M/s.Frisco Inti.Pvt.Ltd. .. Petitioner
versus
Smt.Jayamala J. Pawar & Anr. .. Respondents

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Mr.A.H. Fatangare for the petitioner.
None for the respondents.

CORAM : D.G. KARNIK, J.

DATED : 6th June 2005.

P.C.:

1. Heard the learned Advocate for the petitioner.
2. By this Writ Petition, the petitioner challenges the judgement and order dated 29th October 2004 passed by the 2nd Labour Court, Mumbai dismissing the petitioner's application for setting aside an ex-parte award passed against him. The trial Court has recorded a finding of fact that the application was barred by limitation as there was

delay of over 9 months. An application for condonation of delay was filed but the applicant filed an application Exhibit-C2 in the trial Court stating that he was not pressing the application for condonation of delay. Since the applicant did not press the application for condonation of delay, the trial Court had no option but to dismiss the application for restoration as it was barred by limitation.

3. Hence, no interference is called for. Writ Petition is rejected summarily.

D.G. KARNIK, J